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10 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 TWIN PEAKS SOFTWARE INC.,

13 Plaintiff,

14 vs.

15 IBM CORPORATION,

16 Defendant.
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CASE NO. 3:14-cv-03933-JST

**JOINT STIPULATION REQUESTING
LEAVE TO FILE FIRST AMENDED
JOINT CLAIM CONSTRUCTION
STATEMENT**

Hon. Jon S. Tigar

JOINT STIPULATION

Plaintiff Twin Peaks Software Inc. (“Twin Peaks”) and Defendant International Business Machines Corporation (“IBM”), by and through their respective counsel of record, hereby make a stipulated request to amend the Joint Claim Construction and Pre-Hearing Statement (Patent L.R. 4-3) (“Joint Statement”) (Dkt. No. 39) and hereby provide notice to the Court that certain claim construction disputes have been resolved;

WHEREAS, the Parties file this stipulation and notice in light of a mutual agreement having been reached between the Parties resolving certain issues raised during claim construction briefing and discovery;

WHEREAS, counsel for the Parties, having met and conferred, agreed to amend the Joint Statement to reflect (1) IBM’s indefiniteness arguments and alternative constructions for certain terms in claims 1 and 4 of U.S. Patent No. 7,418,439 (‘the ‘439 Patent), and (2) Twin Peaks’ withdrawal of its assertion of claim 2 of the ‘439 patent against IBM;

WHEREAS, the Parties have not previously amended or otherwise modified the Joint Statement filed on July 15, 2015;

WHEREAS, at the Technical Tutorial on November 17, 2015, the Parties informed the Court that they would be filing an Amended Joint Claim Construction Statement and Pre-Hearing Statement that would identify the terms to be construed and provide an order in which those terms would be argued at the *Markman* hearing;

WHEREAS, the Parties make a stipulated request for the Court to grant leave to file the Proposed First Amended Joint Claim Construction Statement and Pre-Hearing Statement (Patent L.R. 4-3), attached hereto as Exhibit A.

IT IS HEREBY STIPULATED AND AGREED, pursuant to Civil Local Rule 6-1, by Twin Peaks and IBM, through their respective counsel, that the Parties shall file the First Amended Joint Claim Construction Statement and Pre-Hearing Statement (Patent L.R. 4-3), attached hereto as Exhibit A.

1 **IT IS SO STIPULATED.**

2 DATED: December 11, 2015

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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5 By /s/ Andrew J. Bramhall

Andrew J. Bramhall

6 Attorney for Defendant International Business
7 Machines Corporation

8 DATED: December 11, 2015

HAUSFELD LLP

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10 By /s/ Bruce J. Wecker

Bruce J. Wecker

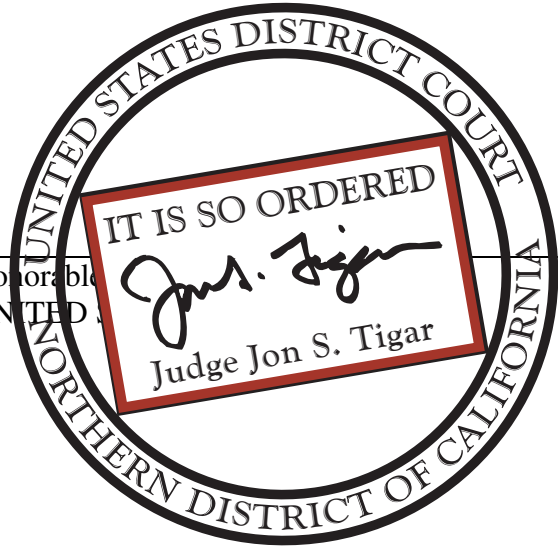
11 Attorneys for Plaintiff Twin Peaks Software Inc..
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 14, 2015

By _____

Honorable
UNITED STATES



FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1(i) regarding signatures, I, Andrew J. Bramhall, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: December 11, 2015

By /s/ Andrew J. Bramhall
Andrew J. Bramhall

Attorney for Defendant International Business
Machines Corporation